

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: INCRETIN-BASED  
THERAPIES PRODUCTS  
LIABILITY LITIGATION**

**CASE NO. 13md2452-AJB (MDD)**

**ORDER REGARDING  
DISCOVERY DISPUTES  
IDENTIFIED IN JOINT  
SUBMISSION FILED  
NOVEMBER 18, 2013  
(ECF NO. 186)**

On November 18, 2013, the parties filed a Joint Submission Identifying Discovery Matters On Which The Parties Are In Dispute. (ECF No. 186). In the submission, the parties request guidance regarding the procedure to be followed in bringing these matters before the Court. There appear to be seven (7) distinct discovery disputes that the parties claim are at impasse. Some appear related and can be consolidated. Unless the parties resolve their differences, the Court will expect, as provided below, five joint motions regarding the discovery disputes. As the disputes are now ripe, the joint motions must be filed within thirty (30) days, absent further order of the Court. Copies of correspondence between the parties shall not be filed, attached or appended. After reviewing the motions, the Court may decide to schedule an informal conference, schedule the matter for hearing or issue a ruling based upon the submissions.

1           1. Deposition Protocol Disputes

2           There are two disputes regarding depositions. There is a  
3 dispute regarding the “general deposition protocol” and a dispute  
4 regarding depositions pursuant to Fed.R.Civ.P. 30(b)(6), including the  
5 use of depositions taken in the related *Byetta Cases* litigation in state  
6 court (JCCP No. 4574). The Court believes that these disputes can be  
7 handled together. The parties are to file a joint motion identifying the  
8 areas in which they are in dispute. The joint motion may include a  
9 statement of their positions in no more than ten (10) pages per side.  
10 Proposed orders reflecting the competing proposals must be submitted in  
11 an editable format (Word or WordPerfect) to  
12 efile\_dembin@casd.uscourts.gov.

13           2. Fact Sheet Disputes

14           There are two disputes regarding fact sheets. First, following  
15 negotiations between the parties and some guidance from this Court, this  
16 Court granted a joint motion of the parties approving the use of the  
17 Plaintiff Fact Sheet in all of the related cases. *See Moses Scott v. Merck,*  
18 *et al.*, 12cv2549, ECF No. 33. There is now a dispute over whether the  
19 Plaintiff Fact Sheet should be modified. The other dispute pertains to a  
20 proposed Defendant Fact Sheet.

21           The Court believes that these disputes can be handled together.  
22 The parties are to file a joint motion identifying the areas in which they  
23 are in dispute and may include a statement of their positions of no more  
24 than ten (10) pages per side. The party seeking modification must  
25 submit a proposed new Plaintiff Fact Sheet in an editable format (Word  
26 or WordPerfect) to efile\_dembin@casd.uscourts.gov. The competing  
27 proposals regarding the Defendant Fact Sheet also must be submitted to  
28 the Court as above.

